



INSTITUTE FOR JUSTICE

February 25, 2022

VIA ECF WITH COURTESY COPY TO CHAMBERS

Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street, Chambers 1350
New York, NY 10007

Re: *Upsolve, Inc., et al. v. Letitia James, Attorney General of New York*
Case No. 1:22-cv-00627-PAC
Pre-Motion Conference Request

Dear Judge Crotty:

In accordance with Your Honor's Individual Rules of Practice, we respectfully submit this pre-motion conference request on behalf of amicus curiae Institute for Justice.

The Institute for Justice seeks leave to file an amicus brief in support of Plaintiffs' pending motion for preliminary injunction. The Institute is a nonprofit, public-interest law firm dedicated to defending the foundations of a free society. As part of its mission to defend freedom of speech, the Institute has challenged laws across the country that regulate a wide array of occupational speech, including teletherapy, psychological advice, dietary advice, and veterinary advice. Counsel for the Institute have also published extensively on the First Amendment status of occupational speech.¹ The Institute believes that its experience will help the Court understand

¹ See, e.g., Paul Sherman, *Occupational Speech & the First Amendment*, 128 Harv. L. Rev. Forum 183 (Mar. 2015), available at <https://harvardlawreview.org/2015/03/occupational-speech-and-the-first-amendment/>; Robert McNamara & Paul Sherman, *NIFLA v. Becerra: A Seismic Decision Protecting Occupational Speech*, 2018 Cato Sup. Ct. Rev. 197 (2017–18), available at <https://www.cato.org/sites/cato.org/files/serials/files/supreme-court-review/2018/9/2018-cato-supreme-court-review-8.pdf>; Paul Sherman & Robert McNamara, *Censorship in Your Doctor's Office*, N.Y. Times (Aug. 2, 2014) at 17, available at <https://www.nytimes.com/2014/08/02/opinion/censorship-in-your-doctors-office.html>.

Hon. Paul A. Crotty
February 25, 2022
Page 2

how the Supreme Court's most recent case law applies to the First Amendment issues raised in this case, the wider repercussions of this case, and the importance of granting the Plaintiffs' motion for preliminary injunction.

Plaintiffs' counsel has indicated that Plaintiffs consent to the filing of this amicus brief, while Defendant's counsel has indicated that Defendant takes no position.

Respectfully submitted,

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**Motions for Admission Pro Hac Vice to be filed*

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